



**US Army Corps
Of Engineers**
Omaha District

PUBLIC NOTICE

Application Number: NE 01-10017
Applicant: US Army Corps of Engineers
Waterway: Missouri River RM 592.5 to 595
Issue Date: May 3, 2004
Expiration Date: May 24, 2004

21-DAY NOTICE

Reply To:
Kearney Regulatory Office
1430 Central Avenue Kearney, NE 68847
(308) 234-1403

JOINT PUBLIC NOTICE: This public notice is issued jointly by the US Army Corps of Engineers, Omaha District, and the Nebraska Department of Environmental Quality (NDEQ). The NDEQ, PO Box 98922, Lincoln, Nebraska 68509-8922, will review the proposed project for state certification in accordance with the provisions of Section 401 of the Clean Water Act. NDEQ hereby incorporates this public notice as its own public notice and procedures by reference thereto. For the purposes of NDEQ, this public notice will expire 30 days from the above issue date.

AUTHORITY: Section 404 of the Clean Water Act (33 USC 1344).

APPLICANT: US Army Corps of Engineers 106 South 15th Street Omaha, NE 68102

PROJECT LOCATION: Parts of Sections 5+6+7+8, Township 12 North, Range 14 East and Section 31, Township 13 North, Range 14 East, Cass County, Nebraska

PROJECT DESCRIPTION: The Plattsmouth Chute Shallow Water Habitat Restoration Project consists primarily of constructing an approximately 100-foot wide, 12,211-foot long chute, which exits and re-enters the west bank of the Missouri River. The project would modify the Missouri River Bank Stabilization and Navigation Project (MRBSN), constructed from 1935 to 1982, by notching channel closure dikes and revetment dikes downstream of the confluence of the Missouri and Platte Rivers, from approximate Missouri River mile 592.5 to 595 in Cass County, Nebraska, about ½-mile north and east of Plattsmouth, NE. The site is located entirely within the Randall Schilling Wildlife Management Area, which is owned and managed by the Nebraska Game and Park's Commission.

The proposed project would divert a portion of the Missouri River's flow from just downstream of the confluence with the Platte River, flowing through an area of historic side channels, chutes and backwaters, to a new outlet located near Missouri River mile 592.5. This would restore a portion of the shallow water habitat that is evident from surveys of the area in the 1890's to 1940's timeframe. Implementation of the MRBSN following that time frame resulted in the loss of chute, side channel and backwater habitat in this area by locking the channel in place and eliminating the ability of the river to perform cut-and-fill alluviation. The chute's flows would fluctuate with the Missouri River flow.

The entire 12,211-foot long channel would be excavated in a pilot channel cross section which would allow future self-scouring during high flow events. The approximate quantity of excavation required for this pilot channel and related features would be 1 to 1¼ million cubic yards. The anticipated method of excavation would be by dredging with disposal of excavated material into the Missouri River. Existing Corps stone fill dikes and pile dikes would be lowered to create the inlet, channel and outlet. The chute inlet and outlet would consist of designed riprap structures to provide fixed entrance and exit locations.

Discharges of fill material into the Missouri River resulting from chute construction will consist of floodplain sands, silts, and clays. Elutriate sampling results and soil sample results from along the length of the chute are available upon request.

Chute. The entire length of the chute will be excavated via mechanical dredge. The existing conditions of the proposed chute are upland, primarily agricultural. The existing conditions at the dredge disposal location are the Missouri river thalweg. Approximately 1¼ million cubic yards of material will be discharged to the Missouri River via pipe. Dredge disposal location will be discretionary; however, disposal will be limited to the thalweg (main channel, typically the portion that is the deepest and exerts the highest velocities). Disposal shall be limited to the section of river beginning at river mile (RM) 594.48 and extending to RM 591.43 (that is, ½ mile downstream of the outlet). Discharge will be further limited in order to avoid any habitat features such as exposed or submerged bars or islands, existing water supply inlets or outlets, or other features such as boat ramps or marinas. Otherwise, the contractor will be allowed some flexibility in order to accommodate practicable discharge locations along the length of the chute.

Inlet. An inlet will be constructed on the right bank of the Missouri river at approximately river mile 594.48. This inlet will involve placement of fill material along approximately 250 feet of the existing Missouri River bank. The existing river bank at this location consists of a varying, but nearly always steep slope, ranging in slope from a near vertical cutbank to an approximate slope of 2V:1H. The entire bank at this location is revetted with boulders of an approximate size range of 1' diameter to 3' diameter. No concrete rubble or other non-traditional materials, such as car bodies, exist at this site. Existing material will be excavated and stockpiled for possible later use at the inlet. The ordinary high water mark at this location is at approximate elevation 949.5 ft (CRP + 2'). Approximately 600 cubic yards of the existing revetment will be removed via excavator or other appropriate mechanical means, along approximately 240 feet of existing bank. This will be replaced with approximately 400 cubic yards of stockpiled and/or purchased quarry rock of the same type and size. Construction methods will be via mechanical equipment such as backhoe, excavator, dump truck and/or bucket, whichever equipment is most appropriate. This rip rap will be underlain by approximately 100 cubic yards of spall material. Spalls will consist of 3-5 inch diameter rock bedding material, shipped in from a quarry. The approximate elevation of the inlet sill will be 942.5 feet. The top of bank elevation at the inlet will match existing elevations.

Outlet. An outlet will be constructed on the right bank of the Missouri river at approximately river mile 591.93. This outlet will involve placement of fill material along approximately 300 feet of the existing Missouri River bank. The existing riverbank at this location consists of a varying, but nearly always steep slope, ranging in slope from a near vertical cutbank to an approximate slope of 2V:1H. The bank at this location is currently not revetted. The ordinary high water mark at this location is at approximate elevation 947.1 ft. Approximately 200 to 225 feet of the existing riverbank will be excavated via dredge in order to accommodate the chute outlet. With a height of 15 feet, a depth of 3 feet and a length of 225 feet, removal along this bank will equal approximately 400 cubic yards of existing bank material. Approximately 2,500 cubic yards of stockpiled and/or purchased quarry rock with diameters in the range of 1-3 feet will be placed along the bank at the outlet. This riprap will be underlain by approximately 700 cubic yards of spall material. Spalls will consist of 3-5 inch diameter rock bedding material, shipped in from a quarry. The approximate elevation of the outlet sill will be 940.1 feet. The top of bank elevation at the outlet will match existing elevations.

Goose Lake Improvements. The entire Goose Lake is surrounded by an existing berm that ranges in height from 15-20 feet. Slope of the berm ranges from 2V:1H to approximately 4V:1H. An option to the chute-only project is to connect the existing 25-acre manmade Goose Lake to the channel with up-gradient and down-gradient channels. The connecting channels would be excavated through an existing berm. The lake bottom would also be graded to provide a low velocity meandering channel along with flat, shallow water areas and deeper over-wintering areas. It is anticipated that the quiet waters of the lake area would provide spawning, feeding and refuge habitat for several species of river fish, while retaining habitat value for waterfowl, furbearers, wading birds and other wildlife.

A side channel would be excavated from the main chute to Goose Lake, then excavated through the berm on both the upper and lower ends of the lake in order to gain an inlet and an outlet for flowing water. The bottom width of each connection will range from 10-15 feet. No fill material will be placed in Goose Lake; only excavation will occur at this location. The inlet and outlet channels may require periodic sediment removal to keep this feature operational.

PROJECT PURPOSE: The purpose of the project is to restore historic habitat features along the Missouri River, specifically shallow, slow moving waters that are intended to benefit the pallid sturgeon.

SPECIAL AQUATIC SITES: Approximately ½-acre of wetland will be impacted.

CULTURAL RESOURCES: No activity which may affect historic properties listed, or eligible for listing, in the National Register of Historic Places is authorized, until the District Engineer has complied with the provisions of 33 CFR Part 325, Appendix C.

ENDANGERED SPECIES: In compliance with the Endangered Species Act, a preliminary determination has been made that the described work will not affect species designated as threatened or endangered or adversely affect critical habitat. In order to complete our evaluation of this activity, comments are solicited from the US Fish and Wildlife Service and other interested agencies and individuals.

Certain species of fish in the river are in population jeopardy. The pallid sturgeon was listed as an endangered species under the Endangered Species Act in 1990. This species is occasionally found in the surrounding reaches, and the area is considered a priority recovery area for this endangered species. Pallid sturgeon could benefit from the increased shallow flowing water in the proposed chute and sandbar habitat and from increased production of other aquatic organisms.

FLOODPLAIN: This activity is being reviewed in accordance with Executive Order 11988, Floodplain Management, which discourages direct or indirect support of floodplain development whenever there is a practicable alternative. By this notice, comments are requested from individuals and agencies that believe the described work will adversely impact the floodplain.

WATER QUALITY CERTIFICATION: Section 401 of the Clean Water Act (33 USC 1341) requires that all discharges of fill material must be certified by the appropriate state agency as complying with applicable effluent limitations and water quality standards. This public notice serves as an application to the state in which the discharge site is located for certification of the discharge. The discharge must be certified before a Department of the Army permit can be issued. Certification, if issued, expresses the state's opinion that the discharge will not violate applicable water quality standards.

PUBLIC INTEREST REVIEW: The decision whether to issue the Corps' permit will be based on an evaluation of the probable impacts including cumulative impacts of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefits, which reasonably may be expected to accrue from the proposal, must be balanced against their reasonably foreseeable detriments. All factors which

may be relevant to the proposal will be considered including the cumulative effects thereof; among those are conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership and, in general, the needs and welfare of the people. In addition, the evaluation of the impact of the work on the public interest will include application of the guidelines promulgated by the Administrator, Environmental Protection Agency, under authority of Section 404(b) of the Clean Water Act (40 CFR Part 230).

COMMENTS: The Corps of Engineers is soliciting comments from the public, Federal, State, and Local agencies and officials, Indian Tribes and other interested parties in order to consider and evaluate the impacts of this activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this project. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the activity.

Anyone whose interests may be affected by the proposed/completed work is invited to submit favorable or unfavorable written comments to the **Kearney Regulatory Office 1430 Central Avenue Kearney, NE 68847-6856 or send an e-mail to barbara.j.friskopp@usace.army.mil**. The District Engineer is particularly interested in receiving comments related to the proposal's probable impacts on the affected aquatic system's functional values, cumulative and secondary effects and endangered species. All comments received will be considered public information; copies of all comments, including names and addresses of commentors, may be provided to the applicant unless confidentiality is requested. Comments must be submitted on or before the expiration date (located at the top of the first page) of this notice to be considered in the subsequent actions on this application.

PUBLIC HEARING: Before the expiration date of this notice, anyone may request, in writing, that a public hearing be held to consider this application. Requests shall specifically state the reason(s) for holding a public hearing. If the District Engineer determines that the information received in response to this notice is inadequate for thorough evaluation, a public hearing may be warranted. If a public hearing is warranted, interested parties will be notified of the time, date, and location.

ADDITIONAL INFORMATION: For additional information, please **call Mrs. Barb Friskopp at (308) 234-1403**.

REQUEST TO POSTMASTERS: Please post this notice conspicuously and continuously until the expiration date specified at the top of page one.

NOTICE TO EDITORS: This notice is provided as background information for your use in formatting news stories. This notice is not a contract for classified display or advertising.